

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE APRIL 11, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 689**

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**Introduced by Senator Speier**

**(Principal coauthor: Senator Denham)**

(Principal coauthor: Assembly Member Lieber)

**(Coauthors: Senators Bowen, Figueroa, Kuehl, and Scott)**

(Coauthors: Assembly Members Benoit, Jones, Leno, Maze, Pavley,  
and Sharon Runner)

February 22, 2005

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An act to amend Section 12811 of the Vehicle Code, relating to vehicles, *and making an appropriation therefor*.

LEGISLATIVE COUNSEL'S DIGEST

SB 689, as amended, Speier. Vehicles: organ and tissue donors: registry.

*Existing law authorizes the creation of a nonprofit entity designated as the California Organ and Tissue Donor Registrar, which is required to establish and maintain the California Organ and Tissue Donor Registry.*

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue

Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card.

This bill, *instead*, would require the department to collect donor designation information on all applications for an original or renewal driver's license or identification card.

The bill would require the department to electronically transmit donor designation information on a weekly basis to ~~the California Organ and Tissue Donation Registrar~~ *Donate Life California, a nonprofit organization, that is designated as the California Organ and Tissue Donor Registrar.*

The bill would require the department to print the word "DONOR" or another appropriate designation on the face of a driver's license or identification card issued to certain persons registered as donors.

The bill would authorize a person who applies for an original or renewal driver's license, or identification card to designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ and tissue donation. The bill would require this contribution to be collected by the department, and treated as a voluntary contribution to ~~the California Organ and Tissue Donor Registry~~ *Donate Life California* and not as a fee for issuance of a driver's license or identification card.

~~The bill would prohibit the department from using more than an unspecified percentage of the donations collected under these provisions to cover certain of its actual administrative costs and~~ *The bill would create the Donate Life California Trust Subaccount in the Motor Vehicle Account in the State Transportation Fund. The bill would require the department to transmit deposit the remaining funds to the registrar for support of the registry moneys contributed, after deduction of specified administrative costs, in the Donate Life California Trust Subaccount, which would be continuously appropriated to the Controller for allocation to Donate Life California for the purpose of increasing participation in organ donation programs.*

The bill would authorize a person between the age of 16 and 18 to designate himself or herself as an organ and tissue donor, subject to that person's legal guardian making the final decision regarding the donation.

The bill would become operative ~~date~~ on July 1, 2006.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12811 of the Vehicle Code is amended  
2 to read:

3 12811. (a) (1) (A) When the department determines that the  
4 applicant is lawfully entitled to a license, it shall issue to the  
5 person a driver's license as applied for. The license shall state the  
6 class of license for which the licensee has qualified and shall  
7 contain the distinguishing number assigned to the applicant, the  
8 date of expiration, the true full name, age, and mailing address of  
9 the licensee, a brief description and engraved picture or  
10 photograph of the licensee for the purpose of identification, and  
11 space for the signature of the licensee.

12 (B) Each license shall also contain a space for the endorsement  
13 of a record of each suspension or revocation thereof.

14 (C) The department shall use whatever process or processes, in  
15 the issuance of engraved or colored licenses, that prohibit, as  
16 near as possible, the ability to alter or reproduce the license, or  
17 prohibit the ability to superimpose a picture or photograph on the  
18 license without ready detection.

19 (2) In addition to the requirements of paragraph (1), a license  
20 issued to a person under 18 years of age shall display the words  
21 "provisional until age 18."

22 (b) (1) The front of an application for an original or renewal  
23 of a driver's license or identification card shall contain a space  
24 for any applicant, age 16 or older, to give his or her consent to be  
25 an organ and tissue donor upon death. An applicant who gives  
26 consent shall be directed to read a statement on the back of the  
27 application that shall contain the following statement:

28 "If you marked on the front of the application that you want to  
29 be an organ and tissue donor upon death, your consent shall serve  
30 as a legally binding document as outlined under the California  
31 Uniform Anatomical Gift Act. Except in the case where the  
32 donor is under the age of 18, the donation does not require the  
33 consent of any other person. For donors under the age of 18, the  
34 legal guardian of the donee shall make the final decision  
35 regarding the donation. If you want to change your decision to

1 consent in the future, or if you want to limit the donation to  
2 specific organs or tissues, you must contact ~~Donate Life Organ~~  
3 ~~and Tissue Donor Registry~~ *Donate Life California* by mail at  
4 1760 Creekside Oaks Drive, #160, Sacramento, CA 95833, or  
5 through the World Wide Web at [www.donateLIFeCalifornia.org](http://www.donateLIFeCalifornia.org),  
6 or [www.doneVIDAcalifornia.org](http://www.doneVIDAcalifornia.org).”

7 (2) Notwithstanding any other provision of law, a person  
8 under age 18 may register as a donor. However, the legal  
9 guardian of that person shall make the final decision regarding  
10 the donation.

11 (3) The department shall collect donor designation information  
12 on all applications for an original or renewal driver’s license or  
13 identification card.

14 (4) The department shall print the word “DONOR” or another  
15 appropriate designation on the face of a driver’s license or  
16 identification card to a person who registered as a donor on a  
17 form issued under this section.

18 (5) On a weekly basis, the department shall electronically  
19 transmit to the ~~California Organ and Tissue Donation Registrar~~  
20 *Donate Life California*, a nonprofit organization established and  
21 designated as the California Organ and Tissue Donor Registrar  
22 pursuant to Section 7152.7 of the Health and Safety Code, all of  
23 the following information on every applicant that has indicated  
24 his or her willingness to participate in the organ donation  
25 program:

26 (A) His or her true full name.

27 (B) His or her residence or mailing address.

28 (C) His or her date of birth.

29 (D) His or her California driver’s license number or  
30 identification card number.

31 (6) (A) A person who applies for an original or renewal  
32 driver’s license or identification card may designate a voluntary  
33 contribution of two dollars (\$2) for the purpose of promoting and  
34 supporting organ and tissue donation. This contribution shall be  
35 collected by the department, and treated as a voluntary  
36 contribution to the ~~California Organ and Tissue Donor Registry~~  
37 *Donate Life California* and not as a fee for the issuance of a  
38 driver’s license or identification card.

39 (B) The department may use ~~not more than~~ \_\_\_\_\_ percent of  
40 the donations collected under this paragraph to cover its actual

1 administrative costs incurred under paragraphs (3) to (5),  
 2 inclusive. The department shall ~~transmit~~ *deposit* all revenue  
 3 derived under this paragraph and remaining after the  
 4 department's deduction for administrative costs ~~to the registrar~~  
 5 ~~for support of the registry in the Donate Life California Trust~~  
 6 *Subaccount, which is hereby created in the Motor Vehicle*  
 7 *Account in the State Transportation Fund. Notwithstanding*  
 8 *Section 13340 of the Government Code, all revenue in this*  
 9 *subaccount is continuously appropriated, without regard to fiscal*  
 10 *years, to the Controller for allocation to Donate Life California*  
 11 *and shall be expended for the purpose of increasing participation*  
 12 *in organ donation programs.*

13 (7) The ~~registry~~ enrollment form shall be posted on the  
 14 Internet Web sites for the department and the California Health  
 15 and Human Services Agency.

16 (8) The enrollment shall constitute a legal document under the  
 17 Uniform Anatomical Gift Act (Chapter 3.5 (commencing with  
 18 Section 7150) of Part 1 of Division 7 of the Health and Safety  
 19 Code) and shall remain binding after the donor's death despite  
 20 any express desires of next of kin opposed to the donation.  
 21 Except as provided in paragraph (2) of subdivision (b), the  
 22 donation does not require the consent of any other person.

23 (9) The ~~registrar~~ *Donate Life California* shall ensure that all  
 24 additions and deletions to the ~~registry~~ *California Organ and*  
 25 *Tissue Donor Registry, established pursuant to Section 7152.7 of*  
 26 *the Health and Safety Code, shall occur within 30 days of receipt.*

27 (10) Information obtained by ~~the registrar~~ *Donate Life*  
 28 *California* for the purposes of this subdivision shall be used for  
 29 these purposes only and shall not be disseminated further by ~~the~~  
 30 ~~registrar~~ *Donate Life California.*

31 (c) A public entity or employee shall not be liable for any loss,  
 32 detriment, or injury resulting directly or indirectly from false or  
 33 inaccurate information contained in the form provided pursuant  
 34 to subdivision (b).

35 (d) A contract shall not be awarded to any nongovernmental  
 36 entity for the processing of driver's licenses, unless the contract  
 37 conforms to all applicable state contracting laws and all  
 38 applicable procedures set forth in the State Contracting Manual.

39 ~~SEC. 2. Section 1 of this act shall become operative on July~~  
 40 ~~1, 2006.~~

- 1     (e) *This section shall become operative on July 1, 2006.*

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